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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001969

SIPDIS

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TAGS: [PREL](#) [PHUM](#) [PGOV](#) [CE](#) [UNHRC](#)

SUBJECT: GSL generally receptive to concerns raised by visiting DRL P/DAS Parmly re upcoming UNHRC session

(U) Classified by Lewis Amselem, Deputy Chief of Mission. Reasons 1.5 (b, d).

1. (C) Summary: During an October 10 visit to Sri Lanka, DRL P/DAS Michael Parmly raised USG concerns regarding the upcoming session of the United Nations Human Rights Commission with Foreign Secretary Nihal Rodrigo. Rodrigo was generally receptive to the points raised. In a meeting with Attorney General K.C. Kamalasabayson, Parmly expressed his admiration for the steps the GSL has taken in the last year to improve its human rights record. Queried by P/DAS Parmly, Kamalasabayson reviewed his office's efforts to counter the appearance of impunity by prosecuting GSL officials for alleged human rights violations. End Summary.

UNHRC: Libya as chair
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2. (C) During an October 10 visit to Sri Lanka, DRL P/DAS Michael Parmly met with Foreign Secretary Nihal Rodrigo and discussed the USG's concerns over Libya becoming the next chair of the UN Human rights Commission (UNHRC) and the expected resolutions on Cuba. Parmly stated that the USG was enthused about working with the UNHRC again, but that the enthusiasm was quickly dampened due to the likelihood of Libya chairing the commission. Having Libya chair the UNHRC, Parmly commented, would send the wrong message to the world about the role of the UNHRC. Rodrigo agreed and blamed the current system of regional groupings for allowing this situation to happen. Rodrigo said he believed that the Asia group must split, as well as the African group, while the multiple European groups must combine.

3. (C) Parmly raised the possibility of publicly voting on whether or not Libya should be the chair as a way of emphasizing that there is no unanimous support for Libya. Rodrigo responded that pushing for a vote would likely polarize the commission and prevent substantive work from being done. He suggested considering something less than a vote, such as making "statements." He argued that such statements would stay on record for the chair to refer to. Parmly concurred that using statements was a possibility, but for that option to be effective they would have to come from non-western countries. Rodrigo stated that the GSL might be able to assist in this area. He would have to defer the final decision to the Foreign Minister, however.

UNHRC: Cuba resolutions
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4. (C) Parmly and Rodrigo also discussed the expected resolutions on Cuba. Parmly highlighted that when the USG criticized the Cuban government for its human rights violations, Castro seemed to thrive on the Cuba-vs.-USA aspect of the criticism and then would just ignore the core issues of the violations themselves. Criticisms of the Castro regime are thus more biting when other nations bring the complaints forward, such as when the Latin American countries did so last year. Rodrigo was generally non-committal as to how the GSL would vote on this year's expected resolution on Cuba, but intimated that it may abstain.

Sri Lankan human rights issues
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5. (C) Continuing the U.S. human rights dialogue with Sri Lanka, Parmly opened discussions with Attorney General K.C. Kamalasabayson by expressing admiration for the positive work Sri Lanka has done in the past year in respect to human rights cases. He noted that during a January visit to Sri Lanka he had stressed to the GSL's Interministerial Working Group on Human Rights that the appearance of impunity of GSL officials alleged to have been involved in human rights violations was an issue of primary concern. During the course of this year, however, the GSL appears to be tackling the issue in solid ways.

6. (C) In his response, Kamalasabayson stated that at the beginning of the year impunity was an issue of great

concern for his office, but that he had taken a number of steps to counteract the history of impunity. One of the most drastic changes involved the fact that historically the police investigated incidents and then handed all information over to the Attorney General's Office for prosecution. There was no interaction between the two branches of law. Kamalasabayson argued that the constitution gave him the power to direct investigations when needed and he was doing so. In high profile cases or those with political aspects, State Counsels become involved with investigations early on. Other changes include the following:

-- Local police no longer investigate themselves. The Criminal Investigation Division is brought in to do this;

-- The government is providing increased support to the AG's office;

-- The AG's office is talking directly with NGOs and is making a point of keeping them informed (which in turn prevents some cases from lying dormant).

17. (C) An indication of the effectiveness of some of the changes is that the Supreme Court has recently found security force personnel guilty of human rights violations. In addition, the Supreme Court has found in favor of victims in fundamental rights cases which obligates the perpetrator to pay a fine to the victim. Unlike the past, the criminal cases are also continuing despite the fundamental rights cases having been concluded.

18. (U) P/DAS Michael Parmly did not have the opportunity to review this cable before departing post.

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